Claims 1-8 are pending. By this Amendment, claims 1-8 are amended.

Applicant gratefully acknowledges that the Office Action indicates that claims 4-6 and 8 include allowable subject matter.

Reconsideration of the rejections presented in the Office Action based on the following remarks is respectfully requested.

II. The Claims Satisfy The Requirements of 35 U.S.C. § 112, Second

<u>Paragraph</u>

The Office Action rejects claims 3 and 8 under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 3 and 8 are amended to obviate this rejection. Withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested.

II. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-3 and 7under 35 U.S.C. 102(b) over Dieter et al. (U.S. Patent No. 6,173,839); and claim 1 under 35 U.S.C. 102(b) over Ferrara (U.S. Patent No. 6,142,332) or Berger (DE 198 42 157) or Weidt (DE 35,16,846). These rejections are respectfully traversed.

None of the applied references teach or even suggest a covered food storage container including, <u>inter alia</u>, a cover having inwardly extending lips for securing the food cutting board to the cover, as recited in claim 1. This feature is related to the allowable features recited in claims 5 and 6.

Page 5 of 6

335012.1

Appl. No. 10/803,441 Amdt. Dated February 23, 2006 Filed

in Response to Office Action Mailed

November 23, 2005

For at least these reasons, it is respectfully submitted that independent claims 1

and 8 are in condition for allowance. The dependent claims are also allowable for the

reasons discussed above as well as for the additional features they recite.

Applicant respectfully requests that a timely Notice of Allowance be issued in this

case.

If any further fees are required to preserve the pendency of the subject

application, please debit Deposit Account No. 01-1785. Likewise, if there is

overpayment, please credit the same account.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP

Attorneys for Applicants

90 Park Avenue

New York, NY 10016

(212) 336-8000

Dated: New York, New York

February 23, 2006

Benjamin M. Halpern

Registration No.: 46,494